

Honorable Michelle I. Schauer
Judge of the Westchester County Family Court
111 Dr. Martin Luther King Jr., Blvd., Courtroom 309
White Plains, New York 10601
Clerk's Office 914-824-5500

Virtual Family Court Portal: [virtualwestchesterfamilycourtwhiteplains@nycourts.gov](https://virtualwestchesterfamilycourtwhiteplains.nycourts.gov)

**ALL LEGAL DOCUMENTS ARE TO BE FILED
DIRECTLY THROUGH THE VIRTUAL PORTAL AS A PDF**

DO NOT COPY CHAMBERS STAFF ON VIRTUAL FILINGS

Principal Court Attorney: Michele D'Ambrosio

Phone: 914-824-5478

E-mail: mdambros@nycourts.gov

Secretary: Nicole Marcano

Phone: 914-824-5481

Fax: 212-618-7980

E-mail: nmarcano@nycourts.gov

PART RULES

APPEARANCES

Parties and counsel should make every effort to be on time. On an emergency basis, if an attorney or party is running late for a court appearance, please e-mail the following:

Valerie Yaeger at vyaeger@nycourts.gov

Nicole Marcano at nmarcano@nycourts.gov

Michele D'Ambrosio at mdambros@nycourts.gov

VIRTUAL APPEARANCES/TEAM LINKS

TEAM links will be sent prior to a virtual proceeding. If you have not received a link within 24 hours of the scheduled virtual appearance, please send an email to Valerie Yaeger at vyaeger@nycourts.gov. Please include the file number and case name in the subject line.

**UNDER NO CIRCUMSTANCE SHALL ANY PARTY OR ATTORNEY "REPLY ALL" TO A
TEAM LINK INVITE OR OTHERWISE E-MAIL JUDGE SCHAUER DIRECTLY**

CORRESPONDENCE/COMMUNICATION WITH THE COURT

All communication with this Court must be in writing. Email correspondence shall be sent to Principal Court Attorney Michele D'Ambrosio at mdambros@nycourts.gov with a copy to Judge Schauer's secretary, Nicole Marcano, at nmarcano@nycourts.gov. Such correspondence must also be copied to all counsel, including the Attorney for the Child, and any self-represented parties.

Any correspondence sent to the Court must include a family unit number and an e-mail address, telephone number, and street address of the sender (unless there is a court order of confidentiality as to the sender).

The court does not expect to be copied on correspondence between counsel and/or self-represented parties. Please note that this Part does not engage in or permit litigation by email and/or letter. Any attempt to do so will result in the correspondence going unaddressed.

Any communication sent to the Court without being copied to all counsel, including the Attorney for the Child and any self-represented parties, will be returned to the sender.

ADJOURNMENTS

All adjournments must be approved by the Court even when the parties and counsel have consented to the adjournment. Adjournment requests must be made in writing and e-mailed directly to Principal Court Attorney Michele D'Ambrosio at mdambros@nycourts.gov and copied to Judge Schauer's secretary Nicole Marcano at nmarcano@nycourts.gov.

Counsel must also copy their respective client on the adjournment request, so their client is made aware of such request and the reason why.

Absent exigent circumstances, adjournment requests shall be made at least 3 business days in advance of the scheduled date and must indicate the reason for the adjournment and whether the request is on consent of all counsel and/or parties.

Adjournment requests made upon consent of all parties and counsel must include at least three future dates that are acceptable to all. Adjournment requests due to attorney engagement in another court must be made pursuant to 22 NYCRR 5125.1.

If an adjournment request is granted, the requesting party must notify all interested parties, including the Attorney for the Child and any self-represented parties of the adjourned date, and send confirming notification of the new date. If there is no response from the Court regarding an adjournment request, assume that it has been denied and that you must appear.

Please note that if a written request for an adjournment or confirmation of the adjournment is sent to Chambers by fax or e-mail, the original correspondence is not required to follow by regular mail.

A respondent or respondent's counsel requesting an adjournment of a preliminary proceeding must acknowledge service, waive any defects in service, and follow the above procedure for scheduling a court appearance, which will then be for a conference. All temporary orders will be extended through the next court date.

COVERAGE

Case coverage is the responsibility of the attorney of record. An assigned counsel's failure to find coverage, submit an Affirmation of Engagement, or otherwise notify the Court of his/her unavailability to appear on a case may result in the matter being reassigned.

As to Attorneys for Children, in the event of an excusable absence, you may submit your client's position in writing, as well as future availability dates (which should be for at least two months after the court date) to all counsel and self-represented parties. There shall be no coverage by an AFC with no independent knowledge of the case. The AFC of record is responsible for following up to get the next court date.

Please note that if an attorney arranges for another attorney to appear on his/her behalf, the covering attorney must be fully familiar with the case and have full authority to enter into any agreement, substantive or procedural, on behalf of the client.

PETITIONS/ORDERS TO SHOW CAUSE/ORDERS

All Petitions, Orders, Orders to Show Cause and any other moving papers must be filed with the Clerk's Office in White Plains or directly through the Virtual Family Court Portal at virtualwestchesterfamilycourtwhiteplains@nycourts.gov.

If an attorney is directed to prepare a final order, notice of settlement shall be a maximum of two weeks, unless otherwise ordered.

Any Order to Show Cause requesting interim relief must comply with 22 NYCRR 5202.7.

MOTIONS

Motions must be filed with the Clerk's Office in White Plains or directly through the Virtual Family Court Portal at virtualwestchesterfamilycourtwhiteplains@nycourts.gov.

Ordinarily, an appearance on a motion is not required. However, if an attorney is requesting an appearance on a motion, this should be noted in the Notice of Motion. Counsel shall not choose the return date. The Court, in its discretion, may schedule an appearance on the motion and, if it does so, will notify the parties of the appearance date and time.

SUS MOTIONS

SIJS Motions, Proposed Orders, Letters of Guardianship and other related legal documents must be filed with the Clerk's Office in White Plains or directly through the Virtual Family Court Portal at virtualwestchesterfamilycourtwhiteplains@nycourts.gov.

Any guardianship or custody proceeding in which Special Immigrant Juvenile Status findings are requested must include a notarized consent with the following language:

1. I am the Father/Mother of the above-named child;
2. I understand that I have the right to have an attorney represent me with respect to this proceeding and that I may be entitled to a free court appointed attorney. By executing this waiver and consent, I am giving up my right to a court appointed attorney.
3. I waive issuance and service of process in this matter;
4. I waive issuance or service of any motions or other legal documents pertaining to this matter, including the Motion for Special Findings;
5. I waive Hague Convention service of process (if applicable), and accept personal service of the Summons and Petition;
6. I understand that there must be a finding of fact of abuse, neglect, and/or abandonment entered against me regarding the petitioner's application for Special Immigrant Juvenile Status Findings. Accordingly, I acknowledge that I have committed the following act(s) that constitute abuse, neglect and/or abandonment against my child [insert specifics] pursuant to Article 10 of the Family Court Act of the State of New York.
7. I consent that (name of guardian/custodian) be appointed the guardian/custodian of the person of said minor and that an order/ letters of guardianship may be granted to said person or to any other person entitled thereto without notice to the undersigned;

If a consent is not submitted, the Affidavit of Service must indicate that all documents with respect to the guardianship/custody petition and SIJS motion were translated into the respondent's native language and a copy of the translated documents must be include with the Affidavit of Service.

A home study is required in every case in which the proposed guardian or custodian is not the biological parent of the child. All private home studies must be done by a member of the Mental Health Professionals Panel pursuant to 22 NYCRR PART 623.

NOTICES OF ASSIGNMENT

Questions regarding notices of assignment should be sent directly to Nicole Marcano via e-mail at nmarcano@nycourts.gov. Be sure to include the family unit number, name of the case and the date(s) in question.

VOUCHERS

Questions regarding vouchers should be sent directly to Nicole Marcano at nmarcano@nycourts.gov. Be sure to include the family unit number, name of the case and the date(s) in question.

18B Vouchers are to be submitted as hard copies and should include the original voucher and one copy. Each set must be properly stapled.

AFC Vouchers are to be individually submitted as a PDF and emailed directly to nmarcano@nycourts.gov. The subject line must include the family unit number, name of the case and the voucher ID number.

Any incomplete or incorrectly submitted vouchers will be returned.

INTERPRETERS

If a party requires the services of an interpreter, counsel should notify the Court as soon as possible so that appropriate arrangements can be made. Please make an effort to notify the Court at least two weeks before the interpreter is needed. Attorneys may submit an order for an interpreter to assist them in communicating with their clients outside of court.

TRIAL PROCEDURE

When a matter is scheduled for trial, parties should appear ready to proceed with the trial at the scheduled time. Trial time may not be used for settlement discussion, which should be completed prior to the date of trial. Accordingly, do not appear at the time a trial is scheduled to begin and expect to proceed with settlement discussions. If counsel or a self-represented party is not ready to proceed on the date of trial, the matter may be dismissed.

Motions In Limine: Counsel shall advise the court in writing of any issues of which they are aware in advance of trial, which may require a ruling by the court during trial.

Exhibits: Before trial begins, counsel shall provide the court and other counsel or self-represented parties with a list of exhibits. Counsel shall pre-mark all exhibits before trial and with respect to any court

documents of which counsel is requesting that judicial notice be taken, counsel shall provide a separate list of those documents to the court and other counsel or self-represented parties.

Evaluations: Parties requesting mental health/forensic evaluations should agree upon the evaluator and to the report being admitted into evidence at trial subject to cross-examination. If the parties cannot agree, they shall each submit the name of the evaluator they propose, and the court will choose the evaluator from those suggested. The evaluator should be from the Directory of Mental Health Professionals on the Appellate Division, Second Department website. Any party wishing to cross-examine the forensic evaluator shall bear the cost unless otherwise ordered by the Court or agreed upon between the parties in writing.

The reports of any court-approved evaluator (or other expert) are not to be provided to the litigants, but may be provided to counsel upon their filing of a Non-Disclosure Affidavit. Litigants are permitted to review reports under the supervision of their attorneys, but may not make any reproductions of the report in full or part. Self-represented parties may review reports in the Clerk's office in White Plains.

Subpoenaed Documents: Subpoenas Duces Tecum shall be filed with the Clerk's Office in White Plains or directly through the Virtual Family Court Portal at virtualwestchesterfamilycourtwhiteplains@nycourts.gov. Subpoenas Duces Tecum shall be made returnable to court at least 3 days before the first day of trial. Counsel shall review subpoenaed documents before the date of trial. Trial time will not be allotted for counsel to review such documents.

Settled Cases: Counsel shall notify the Court immediately if a case is settled. Stipulations of Settlement must contain complete voir dire language and all parties and counsel, including the Attorney for the Child, must sign the Stipulation indicating approval as to form and content.

Voir dire language is as follows:

The parties and the Attorney for the Child(ren) have knowingly, intelligently, and voluntarily agreed to the terms of the within stipulation of settlement as being in the best interests of the child(ren). The parties acknowledge that they have had enough time to speak to their respective attorneys about the terms of the stipulation and that they are satisfied with their respective attorney's representation. The parties acknowledge that they were not forced, threatened, or coerced into agreeing to this stipulation of settlement. The parties acknowledge that no one promised them anything in order to encourage them to enter into this stipulation. The parties acknowledge that they were not under the influence of any drugs (prescribed or not) or alcohol, and that they were not impaired in any way that would impede their understanding of this stipulation. The parties acknowledge that by entering into this stipulation they are giving up their

respective rights to request a trial as to the matters currently before this Court. The parties also acknowledge that a stipulation entered into on consent cannot be appealed.

Article 10 Settlements: The Court will not accept a consent finding on the day of fact finding. If the parties agree to a consent finding, they shall notify the Court before the fact-finding date. otherwise, any settlement made on the day of fact finding shall be by admission only.